

AN ORDINANCE 2006-05-18-0619

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OFFICIAL
ZONING MAP OF THE CITY CODE OF SAN ANTONIO,
TEXAS BY CHANGING THE ZONING DISTRICT
BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 1, Block 4, NCB 14759 from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District.

SECTION 2. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 58.8%.

SECTION 3. The owner or owner's agent shall inform any person leasing this tract or any portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 4. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 5. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.


SECTION 6. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.


SECTION 7. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.


SECTION 8. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 9. This Ordinance shall become effective on May 28, 2006.

PASSED AND APPROVED this 18th day of May, 2006.


M A Y O R
PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

Agenda Voting Results

Name: Z-12.

Date: 05/18/06

Time: 06:32:51 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2006023 (District 8): An Ordinance amending the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District on Lot 1, Block 4, NCB 14759, 7403 West Loop 1604 as requested by Jeanette Blount, Applicant, for Jeanette Blount, Owner(s). Staff and Zoning Commission recommend Approval.

| Voter | Group | Status | Yes | No | Abstain |
|--------------------------|-------------|-------------|-----|----|---------|
| ROGER O. FLORES | DISTRICT 1 | Not present | | | |
| SHEILA D. MCNEIL | DISTRICT 2 | | x | | |
| ROLAND GUTIERREZ | DISTRICT 3 | | x | | |
| RICHARD PEREZ | DISTRICT 4 | | x | | |
| PATTI RADLE | DISTRICT 5 | | | x | |
| DELICIA HERRERA | DISTRICT 6 | | x | | |
| ELENA K. GUAJARDO | DISTRICT 7 | | | x | |
| ART A. HALL | DISTRICT 8 | | x | | |
| KEVIN A. WOLFF | DISTRICT 9 | | x | | |
| CHIP HAASS | DISTRICT_10 | Not present | | | |
| MAYOR PHIL HARDBERGER | MAYOR | Not present | | | |

CASE NO: Z2006023

Staff and Zoning Commission Recommendation - City Council

City Council Continuance from May 4, 2006

Date: May 18, 2006

Zoning Commission Meeting Date: April 18, 2006

Council District: 8

Ferguson Map: 513 E6

Applicant:

Owner:

Jeanette Blount

Jeanette Blount

Zoning Request: From "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District

Lot 1, Block 4, NCB 14759

Property Location: 7403 West Loop 1604

Northeast Corner of West Loop 1604 and Cotton Tail Lane

Proposal: To Develop a Shopping Center

Neighborhood Association: Hills and Dales Neighborhood Association

Neighborhood Plan: None

Traffic Impact Analysis

A Traffic Impact Analysis is not required. The undeveloped 1.35 acres is currently zoned R-6 for single family residential use, and could generate approximately 88 daily vehicle trips. The property is proposed to be zoned C-3 NA and developed as a shopping center with a proposed structure size of 13,600 sq ft. The proposed C-3 development is projected to generate approximately 583 daily vehicle trips. Access is from Loop 1604, and requires Texas Department of Transportation review and approval. Other access that may be considered is from Cotton Tail, a 60 foot wide local road designed with county standards.

Staff Recommendation:

On March 23, 2006, the City Council remanded this item back to the Zoning Commission for reconsideration of the recommended impervious cover limitation of 30%. The Zoning Commission re-heard the item during the April 18, 2006, public hearing and recommends approval of C-2 NA ERZD with SAWS recommendations and an impervious cover not exceeding 58.8%.

Approval

The applicant's request is to develop a small retail center. More than 90% of retail uses and more than 80% of service uses identified as permitted uses in the C-3 zoning district are also permitted by right in the C-2 zoning district. Since a small retail center that is intended to tenant predominately local commercial uses is proposed and most commercial zoning in the immediate vicinity is already zoned C-2, a rezone to C-2 NA would be more appropriate and consistent than a rezone to C-3NA.

The subject property, a corner lot, consists of about 1.35 acres and was annexed in the city in 1971, along with much of the existing residential development to the north, also zoned R-6. Most of the current commercial zoning in the vicinity dates from the early 1970's through the mid-1980's, including properties zoned C-2 and C-3 across Loop 1604 to the south and properties zoned C-2 and C-2NA that also front on the north side of the West Loop 1604 access road. Like many of these other commercial properties, the subject property has remained undeveloped. The property across Cotton Tail Lane was zoned B-2 in 1985, later converting to C-2, and the lots immediately west of the subject property have C-2 NA zoning that dates to 1986. The most recent rezone to C-3 in the vicinity dates to 1997 and is located to the east at the intersection of the Loop 1604 access road and Fawn Lane. Existing commercial uses in the immediate vicinity are Alamo Storage to the south, across Loop 1604, zoned C-3 and an office building to the west at 7507 Loop 1604 zoned C-2.

CASE NO: Z2006023

Staff and Zoning Commission Recommendation - City Council

An approved rezone to C-2 will require a Type "B" buffer along the north property line. A landscape buffer will not be required along the west property line since the property immediately to the west already has C-2 zoning but may be required along the east property line.

SAWS Summary

1. SAWS recommends approval of the proposed land use.
2. The property is classified as Category 1 property.
3. SAWS recommends impervious cover on the site shall not exceed 50%.

Zoning Commission Recommendation:

Approval with SAWS Site Specific Recommendations and an impervious cover limit of 58.8%.

CASE MANAGER : Matthew Taylor 207-5876

VOTE

| | |
|---------|---|
| FOR | 9 |
| AGAINST | 0 |
| ABSTAIN | 0 |
| RECUSAL | 0 |

Z2006023

ZONING CASE NO. Z2006023 – April 18, 2006

Applicant: Jeanette Blount

Zoning Request: "R-6" ERZD Residential Single Family Edwards Recharge Zone
District to "C-2NA" ERZD Commercial Nonalcoholic Sales Edwards
Recharge Zone District.

Bobby Perez, representing the owner, stated the purpose of this zoning change is to allow development of a shopping center on the subject property. He stated he has met with SAWS representative and will continue dialogue between now that the time this case is present before City Council.

Staff stated there were 12 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and Hills and Dales Neighborhood Association is in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Stribling and seconded by Commissioner Sherrill to recommend approval with SAWS recommendation with 58.8% impervious cover.

1. Property is located on Lot 1, Block 4, NCB 14759 at 7403 West Loop 1604.
2. There were 12 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

AYES: Avila, Robbins, Rodriguez, Gadberry, Marshall, Sherrill, Wright, Stribling,
Gray

NAYS: None

ABSTAIN: Martinez

THE MOTION CARRIED

Z2006023

RESULTS OF COUNCIL HEARING May 4, 2006

City Council granted a continuance until May 18, 2006

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.

2006 FEB -8 P 2:20

**SAN ANTONIO WATER SYSTEM
Interdepartment Correspondence Sheet**

To: Zoning Commission Members

From: Kirk M. Nixon, Manager, Resource Protection Division, San Antonio Water System

Copies To: Scott R. Halty, Director, Resource Protection & Compliance Department, Julia I. Mireles, P.E., Mike Barr, Resource Protection Specialist II, Aquifer Protection & Evaluation Section, File

Subject: Zoning Case Z2006023 (Commercial - Retail Development)

Date: February 7, 2006

SUMMARY

A request for a change in zoning has been made for an approximate 1.365-acre tract located on the city's northwest side. A change in zoning from **R-6 ERZD** to **C-3 NA ERZD** is being requested by the applicant, Ms. Jeanette Blount. The change in zoning has been requested to allow a commercial - retail development.

As of the date of this report, an official request for a site specific category determination or an official request for a "substantial alteration" determination has not been received by the Aquifer Protection & Evaluation Division. Based on the information provided, this property is a Category 2 property and shall be developed in accordance with all the provisions stated in Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone. However, if the appropriate information is provided to the Aquifer Protection & Evaluation Section, this property may be determined to be a Category 1 property. If the property is determined to be a Category 1 property, staff recommends that the owner/operator use criteria outlined in Section 34-970 "Best Management Practices".

Based on the site evaluation of the property, and the information submitted by the applicant, SAWS staff recommends **approval** of the proposed land use. Should the city council rezone the property that is the subject of this report, the San Antonio Water System recommends that any development on that property after the zoning classification has been changed should be restricted as stated in the environmental recommendations section of this report.

LOCATION

The subject property is located in City Council District 8, near the intersection of Loop 1604 and Cotton Tail Lane. The property lies within the Edwards Aquifer Recharge Zone (Figures 1 and 2).

SITE EVALUATION

1. Development Description:

The proposed change is from R-6 ERZD to C-3 NA ERZD and will allow for the construction of a commercial – retail site. Currently the site is covered in native vegetation and undeveloped.

2. Surrounding Land Uses:

The Hills and Dales Subdivision is located to the north and west of the site. Loop 1604 is located to the south and east of the site.

3. Water Pollution Abatement Plan:

As of the date of this report, a WPAP has not been submitted to the Texas Commission on Environmental Quality (TCEQ). A WPAP will be required to be submitted to and approved by the TCEQ prior to commencement of construction.

4. Geologic Conditions:

The Resource Protection Division of the San Antonio Water System conducted an evaluation, on January 31, 2006, of the referenced property to assess the geologic conditions and evaluate any environmental concerns present at the site. SAWS staff Geologist, Ms. Joan B. Falkenberg, P.G., was present during the site evaluation.

Using U.S. Geological Survey Water-Resources Investigations Report 95-4030 it was determined that the subject site was underlain by the Upper Confining Units of the Edwards Aquifer. The Upper Confining Units are known to exhibit low to no permeability or porosity and are generally 30 to 150 feet thick in full section.

The subject property was covered by thick brushy vegetation, well developed soil and leaf litter. No significant geologic features were observed on site.

ENVIRONMENTAL CONCERNS

The environmental concerns associated with this development being constructed on the Edwards Aquifer Recharge Zone are:

General Concerns

1. The improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance that may be carried off in the first flush of stormwater run-off.

2. The build-up of hydrocarbons and other pollutants on streets, parking lots and other paved areas that are then carried off in the first flush of stormwater run-off.

ENVIRONMENTAL RECOMMENDATIONS

The following recommendations address the environmental concerns raised by the construction of this development on the Edwards Aquifer Recharge Zone:

Site Specific Recommendations

1. The impervious cover shall not exceed 30% on the site.
2. The land uses within the zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
3. The owner of all water pollution abatement structures shall be responsible for properly maintaining the basin and that it is kept free of trash and debris. A signed water quality maintenance plan must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. The new owner must submit a signed water quality maintenance plan to the Resource Protection Division of SAWS.
4. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, Texas Department of Agriculture, U.S.D.A, shall be used.
5. The applicant shall notify the Construction Compliance Section of the Resource Compliance Division of SAWS at (210) 233-3564 no later than 48 hours prior to the commencement of construction at the site. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

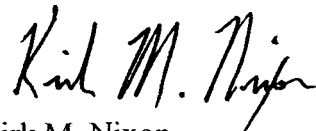
6. If any sensitive geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 233-3526.

General Recommendations

1. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System.
2. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
 - A. A copy of the Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D. A copy of the approved Water Pollution Abatement Plan.
3. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law.
4. If a water quality basin is constructed on the property, the following is required:
 - A. Prior to the start of the basin construction, the owner will notify the Aquifer Protection and Evaluation Section of the San Antonio Water System at (210) 233-3526 to schedule a site inspection.
 - B. After basin construction is complete and prior to the start of business, the owner will notify the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526 to schedule a site inspection. Additionally, we recommend a maintenance plan and schedule be developed and submitted to SAWS Aquifer Protection and Evaluation Section.

- C. If the basin fails to drain properly, the owner will notify the Construction Section of the Resource Compliance Division at (210) 233-3564 prior to any discharge of water.
 - D. If at any time the ownership of the property changes, the seller must inform the buyer of all requirements for maintenance of the Basin. A signed basin maintenance plan and schedule agreement must be submitted to the Resource Protection Division.
5. The City of San Antonio shall inspect all future construction of the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
6. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

Based on the site evaluation of the property, and the information submitted by the applicant, staff recommends **approval** of the proposed land use. Additionally, SAWS staff recommends that the applicant, or any future owner, comply with the above recommendations in regards to the development of the subject property.



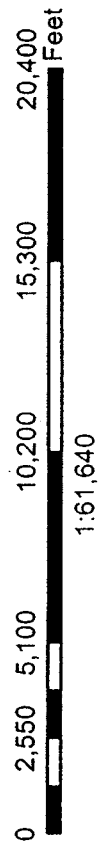
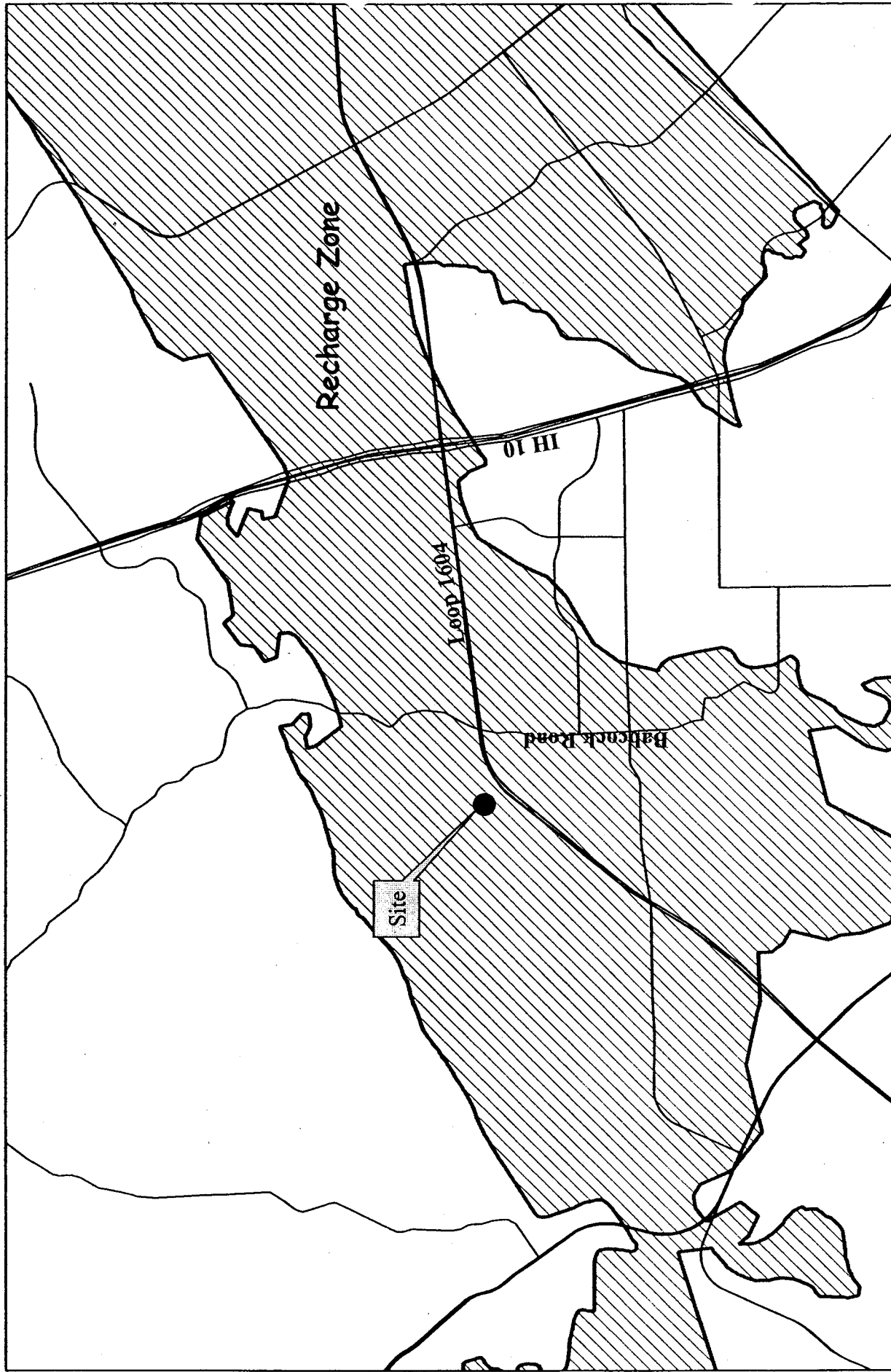
Kirk M. Nixon
Manager
Resource Protection Division

APPROVED:



Scott R. Halty
Director,
Resource Protection & Compliance Department

KMN:MJB



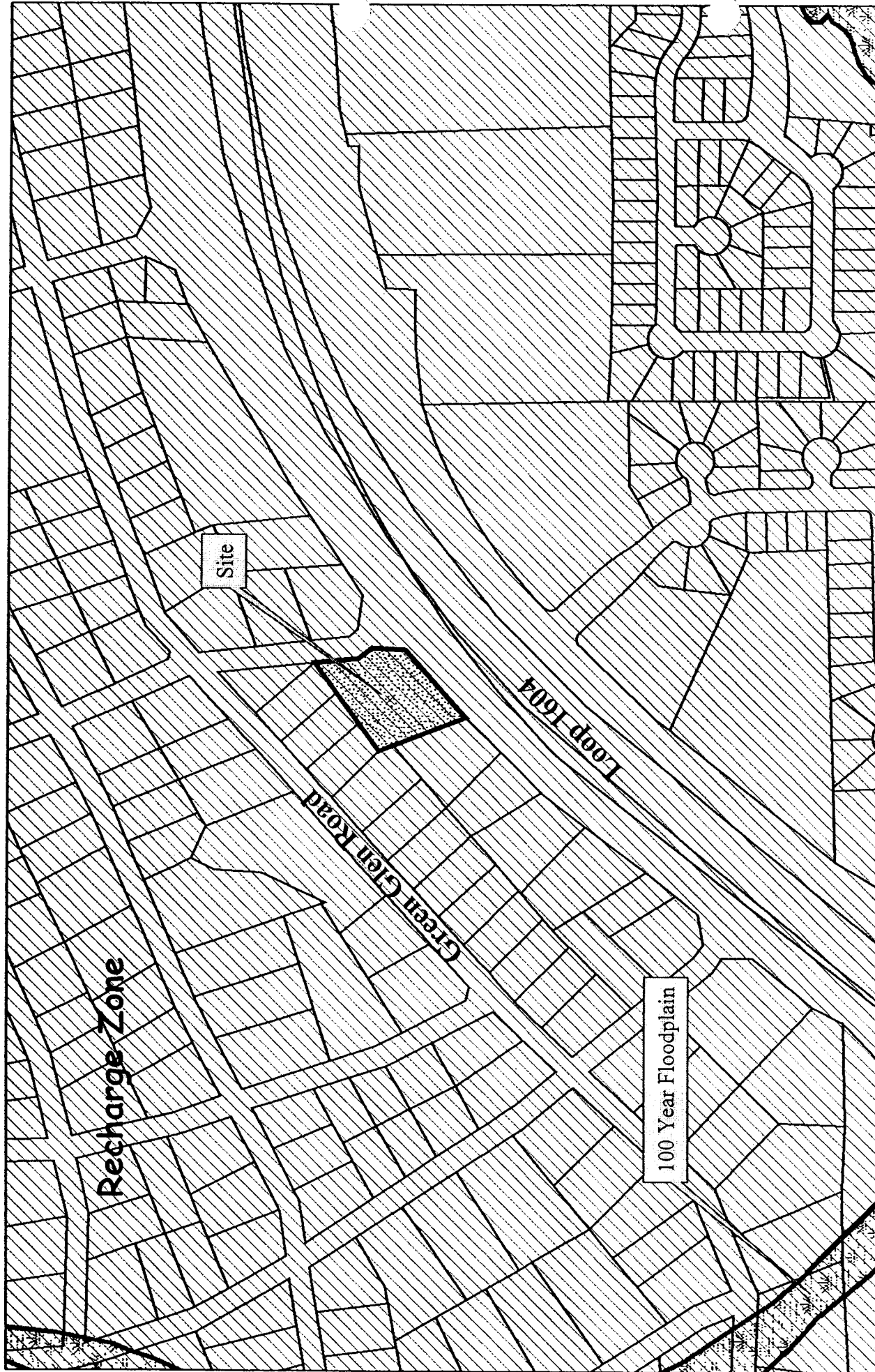
Zoning Case No. Z2006023 Figure 1

Commercial Retail Development

Map Page 513 E6

X=2081237 Y=13761366

Map Prepared by Aquifer Protection and Evaluation MJB 1/23/2006



Zoning Case No. Z2006023 Figure 2

Commercial Retail Development

Map Page 513 E6

X=2081237 Y=13761366

Map Prepared by Aquifer Protection and Evaluation MJB 1/23/2006

